



MEDICAL BOARD OF CALIFORNIA

EXECUTIVE OFFICE

1434 Howe Avenue, Suite 92
Sacramento, CA 95825-3236
(916) 263-2389 FAX (916) 263-2387
www.caldocinfo.ca.gov



Medical Board of California

Embassy Suites
San Clemente Room
150 Anza Blvd.
Burlingame, CA 94040

July 27 - 28, 2006

MINUTES

Agenda Item 1 Call to Order/Roll Call

The Medical Board of California was called to order by President Steve Alexander on July 27, 2006 at 2:37 p.m. A quorum was present and notice had been sent to interested parties.

Members Present:

Steve Alexander, President
Cesar Aristeiguieta, M.D.
James A. Bolton, Ph.D.
William S. Breall, M.D.
Catherine T. Campisi, Ph.D.
Hedy Chang
Steven Corday, M.D.
Shelton Duruisseau, Ph.D.
Richard D. Fantozzi, M.D.
Gary Gitnick, M.D.
Martin R. Greenberg, Ph.D.
Laurie C. Gregg, M.D.
Mitchell S. Karlan, M.D.
Mary Lynn Moran, M.D.
Ronald L. Moy, M.D.
Lorie G. Rice
Barbara Yaroslavsky

Members Absent:

Salma Haider
Ronald H. Wender, M.D.

Staff Present:

David T. Thornton, Executive Director
Kimberly Kirchmeyer, Deputy Director
Candis Cohen, Public Information Officer
Janie Corday, Research Specialist
Valerie Moore, Associate Analyst, Enforcement Program
Cindi Oseto, Analyst, Licensing Program
Lavonne Powell, Staff Counsel, DCA Legal Office
Richard Prouty, Manager, Discipline & Staff Services Unit
Regina Rao, Business Services
Teresa Schaeffer, Executive Assistant
Kevin Schunke, Regulation Coordinator
Anita Scuri, Senior Staff Counsel, DCA Legal Office
Lynda Swenson, Supervising Investigator II, Probation Unit
Letitia Robinson, Legislative Analyst
Barry Taylor, Manager, Licensing Operations
Renee Threadgill, Interim Chief of Enforcement
Frank Valine, Diversion Program Administrator
Daryl Walker, Northern California Area Supervisor
Linda K. Whitney, Chief of Legislation
Curt Worden, Manager, Licensing Section

Members of the Audience:

Robert Bell, Department of Justice
Sandra Bressler, California Medical Association
Zennie Coughlin, Kaiser Permanente
Frank Cuny, California Citizen's for Health Freedom
Julie D'Angelo Fellmeth, Center for Public Interest Law
Faith Gibson
Jose Guerrero, Department of Justice
Beth Jacobs, Department of Justice
Anmol Mahal, M.D., California Medical Association
Carlos Ramirez, Senior Assistant Attorney General
Donna Russell, California Citizen's for Health Freedom
Antonette Sorrick, Department of Consumer Affairs

Agenda Item 2 Approval of Minutes from May 11 – 12, 2006 Meeting

It was m/Moran, s/Gregg, c/all to approve the minutes from the May 11 – 12, 2006 meeting.

Agenda Item 3 President's Report

A. Communications from Interested Parties

Mr. Alexander began by informing the members of his contact with organizations outside of the board meeting that were not part of the public meeting. He stated he met with the Chief Executive Officer of Sharp Hospital Physician Group in San Diego on May 10, 2006 with regard to general information about the board and how we can work more closely with them in terms of consumer protection issues.

The last item Mr. Alexander reported on was board member attendance. He stated board attendance has always been very good and is indicative by the attendance today as well. Mr. Alexander noted a number of members' terms are expiring at the end of this month and this may be their last meeting. He stated he would like to defer further comment to the end of the meeting on Friday.

Agenda Item 4 Executive Director's Report

A. Budget Overview and Staffing Update

Mr. Thornton directed the members' attention to pages 16-30 of their board agenda packet for information on the board budget. He stated the report reflects 11 months of expenditures and revenues of 2005/2006. He reported both expenditures and expenses are consistent with projections. He stated the final figures would be available at the November meeting.

Ms. Yaroslavsky asked whether vertical prosecution had affected the budget.

Mr. Thornton stated the effects would not be substantially reflected until the November meeting. He also noted they would see an increase in revenue based on the fee increase for the first six months of this year.

Mr. Thornton gave an update on staffing and reported a list was established for the Chief of Licensing position and he will be conducting interviews within the next month. He anticipates having this position filled by September 1, 2006. Mr. Thornton also provided an update on the Chief of Enforcement position and reported the Board is in the process with the Department of Consumer Affairs of establishing the list. He stated his target date for having the Chief of Enforcement position filled is by the November meeting.

Mr. Thornton asked Kimberly Kirchmeyer, Deputy Director to explain the restructuring of the licensing to make it more efficient. Ms. Kirchmeyer began by explaining it was determined the license application process was too complex for one manager to handle the daily functions and personnel issues of 23 -25 individuals. She stated a position has been identified within the program that will be upgraded to a Staff Manager in order to achieve a more efficient program and decrease timeframes. In addition, staff from other units have been identified and reassigned in the licensing program to establish a new position to work on domestic applications and another position to work on the mail delivery system to help expedite the process.

Mr. Thornton briefly explained as a result of SB 231 there would be ten new enforcement positions available as of July 1, 2006. He reported staff was successful in negotiating with the Department of Finance and the Legislature in making these positions "permanent" instead of "limited term" which will make them easier to fill. He stated with the approval of the budget we can move forward with recruiting and filling these positions.

Mr. Thornton reported on the planning meeting held in June and stated it was determined the Executive Committee would not be held in conjunction with the quarterly board meeting and instead would meet between quarterly board meetings. He stated a tentative date has been identified for the next Executive Committee on September 5, 2006 in Los Angeles. Staff will be in contact with the committee members to confirm the date and time of the meeting

Mr. Thornton stated as of today, there had been no word from the Governor's office on Board member appointments. He explained there are six members whose terms expired on June 1st with the term including a 60-day grace period which allows them to attend this meeting.

B. Meeting Survey and Rating Sheet

Mr. Thornton stated one of the comments he received indicated the members felt a little rushed for time and suggested the luncheon presentations to the Board be arranged differently. Mr. Thornton deferred discussion on this item to later on the agenda.

C. Update on Headquarters' Move

Mr. Thornton reported staff has conducted a site search and identified a location that falls within Board budget. He announced the board would be moving its headquarters in March 2007.

D. Update on Enforcement Monitor's Report

Mr. Thornton directed the members' attention to pages 31 thru 36 in their board packet for discussion on the Enforcement Monitor's recommendations. He stated all of the recommendations of the monitor have been implemented by either staff or SB 231 with the exception of the following recommendations on page 31:

- #52 would amend section 2027 to increase 805 disclosure on the Medical Board's web site;
- #53 would require physicians to inform patients about the Medical Board.

Mr. Thornton stated both of these recommendations require legislation and he proposed the Public Education Committee be assigned the responsibility of holding further discussion to determine whether it would be feasible to do either or both of these recommendations.

Mr. Alexander approved the proposal and directed the Public Education Committee to report the findings back to the full board.

- #12 to increase penalties for failure to comply with Section 801 reporting.

Mr. Thornton explained the malpractice reporting statutes are being revised in SB 1438 (Figueroa) to simplify the reporting requirements to the board. He suggested the board defer pursuing penalties at this time to watch how the rewrite of the malpractice sections affects the reporting.

E. Federation of State Medical Boards (FSMB) Update

Mr. Thornton reported the annual FSMB meeting will be held on May 3 - 4, 2007 in San Francisco. He informed the members he has been asked to serve on the Federation's Council for Executive Directors. In addition, Ms. Chang was selected to serve on the Planning Committee for the annual meeting, Dr. Bolton is on the Editorial Committee, and Dr. Fantozzi is on the Off-Shore Medical Schools Committee.

F. Vertical Prosecution Update

Mr. Thornton provided an update on the first six months of data available and reported the pilot program appears to be decreasing the average time to obtain medical records, complete expert reports and conduct subject interviews. He noted, however, staff retention continues to be a problem due in part to the uncertainty of not knowing what is going to happen with this pilot program and where the investigators will be in January 2008. He stated with the exception of being able to retain investigators, it appears the pilot program is working.

Dr. Gitnick, Dr. Breall, Ms. Rice, Dr. Bolton, Ms. Yaroslavsky and Mr. Alexander, contributed to a discussion regarding the retention of investigators.

Ms. Renee Threadgill, Interim Chief of Enforcement, explained the investigator classification and pay scale is defined by the Department of Personnel Administration and the Collective Bargaining Unit.

Based on the concerns addressed by the members, staff was directed to provide more information consisting of fact driven, comparative data of other departments, including criteria for pay differential, as well as provide solutions from a policy perspective regarding the recruitment and retention of investigators to be brought back to the full board at the November 2006 meeting.

G. Pandemic Planning Update

Mr. Thornton reported the Department of Consumer Affairs is sponsoring discussions relating to Pandemic Planning and the continuity of business should the predictions of the avian flu come to pass.

Mr. Thornton also advised that Bill Norcross, M.D. of the PACE program has offered to work with the Medical Board to put on some training for physicians who may come out of retirement to assist in event of a disaster.

Dr. Aristeiguieta provided further comment and explained as Director of the Emergency Medical Service Authority the State is committed to emergency preparedness, as well as pandemic or disaster planning. He stated there are a number of creative solutions being explored and his Department has been charged with a program called Emergency Systems for the Advance Registration of Volunteer Health Professionals. The concept of the program is to be able to recruit individuals from all over the State whose licenses will be verified by the data base and issue them a credential to be mobilized to provide search capacity of health care workers wherever they are needed in the State. They are all volunteers but are covered with liability protection, as well as workers compensation. He stated there will be an article in the next *Action Report* outlining this program. The program is currently in the pilot test phase and they plan on going live on September 1, 2006 to recruit individuals.

H. Renaming Action Report

Mr. Thornton announced the name of the quarterly publication known as the "*Action Report*" has been changed to the "*Medical Board of California Newsletter*" to more accurately reflect what is contained in the publication.

I. Presentations to Board

Mr. Thornton informed the members the lunch presentations held during the board meetings on Thursday are being discontinued to allow members more time to interact with each other and take a break between the morning and afternoon session. He stated we will continue to have focus speakers for the full board on particular subjects of interest to the Board.

J. 2007 Board Meeting Dates and Locations

Mr. Thornton presented the proposed 2007 Board meeting dates and locations to the Board for approval. Mr. Thornton recommended changing the May 3 - 4, 2007 meeting in Sacramento to April 26 - 27, 2006 in order to avoid conflicts with the FSMB annual meeting being held in May in San Francisco. He also suggested in light of the high cost of air travel into San Francisco that Oakland be designated as the location for the July board meeting.

The members approved the proposed meeting dates for 2007, with the exception of the May meeting which will be moved to April 26 - 27, 2007.

Agenda Item 5 Legislation and Regulation Update

Ms. Whitney began her legislative report with a review on the status of board sponsored bills.

SB 1438 (Figueroa); Healing Arts: Reporting Requirements. This is the clean-up bill for last year's sunset legislation, SB 231. Senator Figueroa amended the peer review language, will request the financial audit be done by the Joint Legislative Audit Committee, and will revise the request for a study on the disclosure issues.

Mr. Thornton explained there was opposition to the language regarding the disclosure of misdemeanors. The Senator worked with all parties. This amended language allows the disclosure of all misdemeanor convictions that result in the filing of an accusation that has not been dismissed or withdrawn, and the disclosure of misdemeanors that lead to discipline against a physician.

It was M/S/C to continue support of the bill.

- AB 1796 (Bermudez); Physician's and Surgeon's Certificate. The Board has finalized the language on the disclosure of sexual misconduct and sexual harassment documents upon application for licensure. The bill is in Senate Appropriations.
- AB 2198 (Houston); HC: Controlled Substances and Drugs. Ms. Whitney stated this is the pain management task force bill and is in final form. The bill is in Senate Appropriations and will be heard in August.
- AB 2260 (Negrete McLeod); Approval and Certification of Registration: Faculty. This is a Division of Licensing bill on enhancements to the 2111 and 2113 special programs, and the 2168 special faculty permits. The bill also includes the gag clause provision. The bill is in Senate Appropriations.
- SB 1232 (Runner); DOL: Out-of-State Physicians. This is the Division of Licensing bill related to the licensing of physicians licensed in other states. The bill is on the assembly floor on the consent calendar.
- SB 1638 (Figueroa); Midwives: Advisory Council: Annual Report. This is the midwifery committee's bill on reporting of midwifery outcomes. This bill was amended June 20 to make clarifying changes, per a meeting the author's office held with all interested parties. The bill is in Assembly Appropriations.
- SB 1851 (Health Committee); Breast Cancer: Informed Consent. This is the Public Education Committee's bill on the revisions to the breast cancer brochure distribution requirements. The bill is in Assembly Appropriations.

Ms. Whitney continued her discussion with all other bills affecting the Board.

- AB 1382 (Nakanishi); Prescription Lenses. This bill clarifies the law that Plano lenses can only be dispensed by registered dispensing opticians, optometrists, and physicians. Ms. Whitney recommended a support position.

It was M/S/C to support the bill.

- AB 2280 (Leno); Sexually Transmitted Diseases. Chlamydia treatment for a patient's partner is authorized in law without a good faith prior exam. The bill would add Gonorrhea and other Sexually Transmitted Diseases, defined by the Department of Health Services, to that code.

Ms. Whitney recommended a watch position, and stated she would work with the author's office.

It was M/S/C to watch the bill.

SB 212 (Lowenthal); Lapses of Consciousness: Reports to the DMV. This bill deletes the requirement that a physician report information directly to the DMV, with the exception of Alzheimer's disease and dementia. The author has taken care of most of the Board's concerns, and Ms. Whitney recommended a support position.

Dr. Gary Gechlik, emergency room physician, commented that he felt it was a good faith effort on the part of the Board to recognize the change and, even if it is not perfect, it is a workable solution, and there will be improvement in care.

M/S/C to support the bill.

SB 736 (Speier); Healing Arts: Financial Interest Reporting. This bill is being amended to delete the study. Ms. Whitney recommended the Board continue their position of watch.

SB 1423 (Figueroa); Laser Procedures. This bill requires the Board to evaluate and study issues related to the use of laser or intense light pulse devices for elective cosmetic surgery procedures. Ms. Whitney stated the study cost is between \$50,000 and \$100,000. Her recommendation is oppose unless amended to fund the study and require regulations on recommendations that are within the scope of our law.

M/S/C to oppose the bill.

Dr. Karlan asked Ms. Whitney about SB 438, which the Board opposes, and why it passed out of the senate floor by a 30-2 vote, when it initially failed by a 7-0 vote.

Ms. Whitney explained the bill was a placeholder bill. The senate, as a courtesy, moved the bill to the assembly. Ms. Whitney stated the bill went to the Assembly B&P Committee for its policy hearing. Dr. Fantozzi attended the hearing and testified on behalf of the Medical Board in opposition of the bill, and the bill failed at that hearing. Ms. Whitney stated the bill was reheard later in the week and, based upon reconsideration; the bill got out of that committee and is now on its way to Assembly Appropriations. Ms. Whitney stated the study nor bill addressed any of the consumer protection issue.

Donna Russell, California Citizen's for Health Freedom asked the Board to reconsider their position on AB 2198. She thanked the Board for the previous work and study they did regarding the Dental Board.

Agenda Item 6 Board Restructure

Mr. Alexander deferred discussion on this item to the following day, Friday, July 28, 2006.

Agenda Item 7 Public Comment on Items not on the Agenda

There was no additional public comment made. The meeting was adjourned at 4:30 p.m.

Friday, July 28, 2006

Agenda Item 8 Call to Order/Roll Call

The Medical Board of California was called to order by President Steve Alexander on July 28, 2006 at 11:40 p.m. A quorum was present and notice had been sent to interested parties.

Members Present:

Steve Alexander, President
Cesar Aristeiguieta, M.D.
James A. Bolton, Ph.D.
William S. Breall, M.D.
Catherine T. Campisi, Ph.D.
Hedy Chang
Stephen Corday, M.D.
Shelton Duruisseau, Ph.D.
Richard D. Fantozzi, M.D.
Gary Gitnick, M.D.
Martin R. Greenberg, Ph.D.
Laurie C. Gregg, M.D.
Mitchell S. Karlan, M.D.
Mary Lynn Moran, M.D.
Ronald L. Moy, M.D.
Lorie G. Rice
Barbara Yaroslavsky

Members Absent:

Salma Haider
Ronald H. Wender, M.D.

Staff Present:

David T. Thornton, Executive Director
Kimberly Kirchmeyer, Deputy Director
Candis Cohen, Public Information Officer

Janie Corday, Research Specialist
Valerie Moore, Associate Analyst, Enforcement Program
Cindi Oseto, Analyst, Licensing Program
Lavonne Powell, Staff Counsel, DCA Legal Office
Richard Prouty, Manager, Discipline & Staff Services Unit
Regina Rao, Business Services
Teresa Schaeffer, Executive Assistant
Kevin Schunke, Regulation Coordinator
Anita Scuri, Senior Staff Counsel, DCA Legal Office
Lynda Swenson, Supervising Investigator II, Probation Unit
Letitia Robinson, Legislative Analyst
Barry Taylor, Manager, Licensing Operations
Renee Threadgill, Deputy Chief of Enforcement
Frank Valine, Diversion Program Administrator
Daryl Walker, Northern California Area Supervisor
Linda K. Whitney, Chief of Licensing
Curt Worden, Manager, Licensing Section

Members of the Audience:

Robert Bell, Department of Justice
Sandra Bressler, California Medical Association
Zennie Coughlin, Kaiser Permanente
Frank Cuny, California Citizen's for Health Freedom
Julie D'Angelo Fellmeth, Center for Public Interest Law
Faith Gibson
Jose Guerrero, Department of Justice
Beth Jacobs, Department of Justice
Anmol Mahal, M.D., California Medical Association
Carlos Ramirez, Senior Assistant Attorney General
Donna Russell, California Citizen's for Health Freedom
Antonette Sorrick, Department of Consumer Affairs

In order to remain consistent with the record, the agenda items presented in these minutes are listed in the order discussed at the July 28, 2006 meeting.

Agenda Item 13 Physician Recognition Committee - Presentation of Award

Mr. Alexander began by introducing the choice for the Physician Recognition Award stating it was his honor and pleasure to present this award to Dr. Ramon Jimenez, an orthopedic surgeon from Salinas and Monterey. On behalf of the Medical Board, Mr. Alexander congratulated Dr. Jimenez for his work to improve access to health care for farm workers and the Latino population in the Central Valley and Mexico over the last 30 years. Dr. Jimenez also serves as the chair of the Diversity Advisory Board for the American Academy of Orthopedic Surgeons for the past 8 years.

Dr. Jimenez thanked the board for the honor and privilege to be present before the Medical Board to receive this award. He also thanked and acknowledged the California Orthopedic Association for nominating him for this award. He presented the members with a copy of a compact disc that his committee had developed entitled Culturally Competent Care which contains different scenarios to give the treating physicians tips on how to be aware and sensitive to his/her patient of a different culture or ethnicity and provide culturally competent health care .

Agenda Items 6 & 9 Board Restructure

A. Summary of Board Discussion at June 8, 2006 Special Board Meeting

Mr. Alexander began by stating the board did not have to take any action on this item at this meeting. He explained this issue evolved as a result of the Enforcement Monitor's Report and the passage of SB 231. As part of SB 231, the Board is required to look at the board structure thoughtfully, and bring back recommendations relative to the best way to operate a medical board and report to the legislature. Under the current law the board is a 21 member board and it is important now to look at the best way to create a medical board given the members' knowledge of the process. He asked Mr. Thornton to summarize the findings of the special board meeting held on June 8, 2006 in Los Angeles.

Mr. Thornton directed the members' attention to page 38 and 39 of their board packet for a copy of the memo dated July 5, 2006 and summarized the findings. He highlighted there were four main issues discussed:

1. Should the board continue with the two division structure or is it more efficient to have one board with standing committees.

There was consensus by the members that the two division structure was no longer needed.

2. The size and composition of the board. Can the board operate efficiently with fewer members and should it consist of a majority of public members.

There was consensus by the members that the board could operate with 13-15 members subject to the resolution of the review of this issue but there was no consensus on whether it should be a public member majority.

3. Should there be enforceable policies.

There was consensus by the members that there should be enforceable policies for members' responsibilities and participation.

4. Should the Division of Medical Quality (DMQ) and the Division of Licensing (DOL) continue to review proposed decisions from the administrative law judge and proposed stipulations.

There were options discussed but there was no consensus by the members.

Mr. Thornton asked Ms. Kirchmeyer to explain the different options relating to the DMQ review of proposed decisions. Ms. Kirchmeyer distributed a chart illustrating each of the options and the process of the changes with each different option. She began by explaining the percentages on the chart are based on an average data for the last 3 fiscal years.

Option #1, which was to remain status quo, revealed the following data:

- 8% of the decisions reviewed by the panel are Default Decisions (*no notice of defense filed*).
- 73% of the decisions reviewed by the panel are Stipulated Decision.
- 19% of the decision reviewed by the panel are proposed decisions.

The data also indicates the outcome of each type of decision as follows:

- 93% of the stipulated decisions are adopted, 7% are rejected by the panel.
- 87% of the proposed decisions are adopted and 13% are non-adopted by the panel.

Out of the 13% of the non-adopted proposed decisions, the data revealed in 71% of the cases the penalty was increased, 10% of the cases the penalty was decreased, 9% of the cases were upheld, and 10% of the cases are remanded back to the administrative law judge for more information.

In addition, the data revealed 41% of the decisions non-adopted by the panel had a Petition for Writ of Mandate filed.

The next option discussed was Option #2. The process regarding proposed decision and stipulations would remain the same and continue to require panel review and approval; however default decision and stipulations for surrender of license would no longer be reviewed by the panel.

Ms. Kirchmeyer continued with Option #3 and explained the process regarding proposed decisions would remain the same with the exception of default decisions and stipulations for surrender. Under this option the stipulations would be reviewed by the Executive Director, not the panel. The board could establish a disciplinary committee to retrospectively review stipulations to ensure the Executive Director is following board policy and guidelines and to monitor outcomes and trends.

Next Ms. Kirchmeyer discussed Option #4 which continues the same as the previous option with the exception that the panel would no longer review proposed decisions. The decision of the administrative law judge would be FINAL. However either party could appeal to the superior court.

The last option Ms. Kirchmeyer discussed was Option #5. The Executive Director would review and adopt all decision including all stipulations and all proposed decisions (***no panel review review required***). The Executive Director would have the authority to non-adopt proposed decisions. The board could establish a disciplinary committee to retrospectively review decisions to ensure the Executive Director is following board policy and guidelines.

As a point of clarification, Mr. Alexander confirmed the process for license application cases would remain the same and we would have to develop a mechanism if the board is changed from two divisions to one board.

Mr. Alexander invited Deputy Attorney General Robert McKim Bell and Beth Faber Jacobs to speak on the proposal under discussion regarding board restructuring. In summary, both presented arguments against the Division relinquishing its statutory obligation and authority to issue final decisions. It is their opinion, having reviewed the working material presented that the adverse consequences of the proposed changes have not been clearly explained or articulated. Their concerns were primarily on the legal ramifications and implications of losing the presumption of expertise. According to Ms. Jacobs, there will be no obligation of an ALJ to follow the disciplinary guidelines and there will not be any consistency. Also, there is no evidence that ALJs have any specialized expertise or would be more consistent than the board. It was their recommendation that either option #3 or #5 be selected as choices. Ms. Jacobs also suggested the board utilize precedent decisions to assist in expediting cases and make the system more efficient.

Mr. Alexander opened the discussion up to the public for comment.

Sandra Bressler, representing the California Medical Association (CMA), stated her organization supported the concept of eliminating the panel from reviewing the proposed decisions and allow the ALJ decisions to be the FINAL decision with the option by either party to file a writ.

Julie D'Angelo Fellmeth representing the Center for Public Interest Law (CPIL). She stated her organization has been involved in promoting consistency in disciplinary decision making by those with knowledge of the facts and evidence and who are independent from the profession. She voiced her objections to DMQ members making decisions without attending the hearings and without having the opportunity to observe the credibility of the witnesses. She encouraged the members to explore variations on these options.

Mr. Alexander opened the discussion of the members by calling on Ms. Rice. She stated she wanted to correct Mr. Bell's comment for the record that physicians were regulated by the profession. She noted there are many public members on this board and they have all strived to project to consumers the profession of medicine is regulated by the whole board, both public members and professional members.

Ms. Yaroslavsky suggested the process of board restructure should be deliberate and thoughtful. She thanked the chair for not rushing the board to come to a decision today.

Ms. Chang stated she thought the process should be streamlined and suggested another option using the Executive Director to sort out which decisions should go on a consent calendar and others that should be scheduled for discussion for both stipulations and proposed decisions.

Dr. Gitnick thanked the chair for allowing the members time to deliberate on this important decision. He voiced his concern regarding option #3 and whether the advisory committee would have veto authority over staff. In addition, he stated he appreciated Ms. Fellmeth's comments and would like to hear all the variations she had in mind before he has to make a decision. He also agreed with Ms. Chang's idea of a consent calendar and stated it made a lot of sense.

Dr. Moran stated she took issue with Ms. Fellmeth's comments, especially those that questioned the members' competency and bias. She believes option #2 is the best option.

Dr. Aristeiguieta stated he agreed with Dr. Gitnick's comments regarding the size of the board and would echo the DAG's comments regarding the mandated mission of public protection. The board is committed to public protection and he does not believe the ALJs perceive the role to be the same. He strongly believes the board needs to retain the authority to maintain the public protection. He voiced his concerns regarding placing the Executive Director in a position of increased responsibility. In addition he also voiced his concerns regarding retrospective review of cases and losing the ability to identify trends as they are developing. He thought option #2 might be best. He questioned Ms. Jacobs if option number two was adopted does it undermine the APA process by the board having a mechanism for immediately adopting default decisions or surrenders of license.

Ms. Jacobs responded and stated absolutely not, it is entirely consistent with the APA. She provided clarification regarding her preference of option #3 or #5 and stated to accomplish the goal of modifying the amount of work the Executive Director would have to do and reduce the amount the members would have to do but retaining its functions she preferred option number three. Ms. Jacobs agreed that number two would work as well.

Dr. Karlan questioned the statement there had been a consensus on the elimination of the two divisions. It is his position the divisions serve a valuable service and provides specialized expertise.

Dr. Fantozzi thanked the chair for giving everyone the opportunity to think about the options. He also echoed Dr. Karlan's comments regarding the value of the two Division's activities. He voiced his concerns if we went to strictly a committee structure, would we have the ability to have the level of excellence and maintenance of consistency as we go forward.

Mr. Alexander asked members to bear in mind consensus is not unanimity nor does it reflect a vote. Consensus was a feeling and a sense of the group. Mr. Alexander concluded the discussion by directing staff to bring back to the full board in November the different iterations of the options reflecting the commentary from today's meeting.

Dr. Aristeiguieta suggested since this subject would require a lengthy discussion, would it be worthwhile to consider having another special meeting, especially since there would probably be new members on the board.

Mr. Alexander agreed with the need to consider holding another special meeting.

Agenda Item 10 Reports from the Divisions

A. Division of Licensing

Dr. Richard Fantozzi, President, Division of Licensing (DOL), stated they met on Friday, July 28, 2006 at 8:00 a.m. and reported the following action items from the meeting:

- The Division approved the Section 1327 program at Highland General Hospital in Oakland.
- The Division issued temporary approval of Metropolitan State Hospital pending a site visit.

B. Division of Medical Quality

Dr. Cesar Ariesteiguieta, President, Division of Medical Quality (DMQ), stated they met on Friday, July 28, 2006 at 8:00 a.m. and reported on the following action items from the meeting:

- The Division voted to approve the reappointment of one member to the Diversion Evaluation Committee (DEC).

Agenda Item 11 Federation of State Medical Boards Update

Ms. Chang reported on the progress of planning the annual FSMB meeting in May 2007 in San Francisco. She stated the focus of the conference will be patient centered healthcare and physician competence. She circulated a draft agenda and asked members to send her their comments. In addition, she wanted to know if there was an interest on the members' part to sponsor a reception at the event. Dr. Aristeiguieta volunteered to work with some industry contacts to possibly host a California Wine reception. Ms. Chang encourage everyone to try to attend.

Agenda Item 12 Workgroup on Cultural/Linguistic Continuing Medical Education

Ms. Chang reported the group held a meeting in June that was attended by staff from Assemblyman Coto's office and the California Medical Association. She reported the CMA described their effort regarding courses which must contain elements of cultural and linguistic training as required pursuant to AB 1195. There is another meeting scheduled for September or October and she will continue to keep the board apprised of future developments.

Agenda Item 14 Health Manpower Pilot Project

Dr. Laurie Gregg explained Planned Parenthood, in conjunction with UCSF and Kaiser, is working on the approval of a proposed pilot project to allow nurse practitioners, certified nurse midwives (CNM) and physician assistants (PA) to perform early pregnancy terminations. She reported she has attended two meetings with staff and have expressed the Boards' concerns with the project. She will continue to keep the board updated on this project.

Agenda Item 15 California Physician Corps Program

Dr. Richard Fantozzi, reported he was pleased to announce the first telemedicine conference was held in Los Angeles and was hosted by the Venice Family Clinic. The presentation was on the Avian Flu and was very well attended. As background information, Dr. Fantozzi explained the California Physician Corps volunteers will be used as educators to give presentations starting with emergency services extending into medical topics such as asthma and chronic diabetic management, to target audiences throughout the state via telemedicine. He reported they will be adding a nursing component as they go forward.

Ms. Yaroslavsky, reported on the Loan Repayment Program and complimented Board staff for its incredible accomplishments in making this program a success. They will be working on the development of opportunities to raise funds and continue to provide access to healthcare in underserved communities.

Dr. Gitnick reminded the Board this program would not have been possible without the involvement of the CMA and they also deserve credit for its success.

Agenda Item 16 Board Member Discussion/Comment Session

Dr. Aristeiguieta stated he was concerned about the intersection between medical errors and medical discipline. He stated he finds it troubling when we discipline physicians for a system problem that may have caused or contributed to the error without doing anything to remedy the system problem. He proposed having a speaker from UCSD Pace program or UC Davis provide an academic presentation to the board on this issue.

Ms. Rice volunteered her services and stated the UCSF has already done a system analysis on medical errors and would be able to assist with the contacts.

Dr. Gregg suggested a speaker on Pandemic Flu. She also stated she appreciated the new legislation report format to the full board.

Mr. Alexander stated he would keep telemedicine on the list to see if there are continuing ways to apprise the Board of trends in that area. He also stated Ms. Scuri would be making a presentation to the Board on the Open Meetings Act at the November meeting.

Agenda Item 17 Public Comment

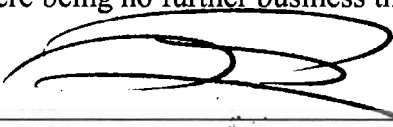
Frank Cuny, representing the California Citizen's for Health Freedom addressed the board regarding the Physician Recognition Award and the Loan Repayment Program. He suggested the board consider sharing the success of the programs with the Federation at their annual meeting in May 2007.

Agenda Item 19 Final Comments

Before adjourning, Mr. Alexander thanked the members whose terms expire at the conclusion of the meeting today, who may or may not be reappointed, for their friendship, comradery and collegiality. Each of the members expressed their own comments and gratitude to their fellow members for their many accomplishments.

Agenda Item 20 Adjournment


There being no further business the meeting was adjourned at 1:30 p.m..



Steve Alexander, President

Lorie Rice, Vice President

RICHARD FANTOZZI M.D.



David T. Thornton, Executive Director



MEDICAL BOARD OF CALIFORNIA

EXECUTIVE OFFICE

1434 Howe Avenue, Suite 92
Sacramento, CA 95825-3236
(916) 263-2389 FAX (916) 263-2387
www.caldocinfo.ca.gov



DIVISION OF MEDICAL QUALITY

**Embassy Suites
Burlingame, CA**

July 28, 2006

MINUTES

Agenda Item 1

A quorum was present and due notice having been mailed to all interested parties, the meeting was called to order at 8:04 a.m. Members present included:

Members Present:

Cesar A. Aristeiguieta, M.D., President
Martin R. Greenberg, Ph.D., Vice President
Barbara Yaroslavsky, Secretary
Steve Alexander
William S. Breall, M.D.
Catherine T. Campisi, Ph.D.
Stephen R. Corday, M.D.
Shelton Duruisseau, Ph.D.
Mary L. Moran, M.D.
Ronald L. Moy, M.D.
Lorie G. Rice

Members Absent:

Ronald H. Wender, M.D.

Staff and Guests Present

David T. Thornton, Executive Director
Renee Threadgill, Interim Chief of Enforcement
Ana Facio, Deputy Chief
Anita Scuri, DCA Legal Counsel
LaVonne Powell, DCA Legal Counsel
Carlos Ramirez, Senior Assistant Attorney General
Sanford H. Feldman, Deputy Attorney General
Candis Cohen, Public Information Officer

Linda Whitney, Chief of Legislation
Kevin Schunke, Regulation Coordinator
Letitia Robinson, Legislative Analyst
Frank Valine, Diversion Program Manager
Richard Prouty, Staff Services Manager
Valerie Moore, Associate Governmental Program Analyst
Teresa Schaeffer, Associate Governmental Program Analyst
Lynda Swenson, Area Supervisor
Darrell Walker, Area Supervisor
Victor Sandoval, Senior Investigator
Susan Thadani, Senior Investigator
Dennis Scully, Investigator
Julie D'Angelo Fellmeth, Center for Public Interest Law
Sandra Bressler, California Medical Association
Zennie Coughlin
Frank Lucido, M.D.
Stuart Brown
R. Stephen Ellis, M.D.
Tod Mikuriya, M.D.
Hanya Barth, M.D.
Joseph V.A. Partansky, MBA

Agenda Item 2 Approval of Orders

Approval of Orders Restoring License Following Completion of Probation

The Division reviewed and approved 10 Orders. Vote: 11-0

Approval of Orders Issuing Public Letters of Reprimand

The Division reviewed and approved 9 Orders. Vote 11-0

Approval of Orders for License Surrender During Probation/Administrative Action

The Division reviewed and approved 4 Orders. Vote 11-0

Agenda Item 3 Approval of Minutes

It was M/S (Alexander/Corday) to approve the Open Session minutes of the May 12, 2006 Division Meeting. Motion carried (11-0).

Agenda Item 4 Legislation and Pending Regulations

Linda Whitney, Chief of Legislation, stated since the legislation was reviewed during the full Board meeting held on July 27, 2006, nothing further would be discussed at this time, unless there were questions. She stated there were no regulatory actions pending, however, the final day for submission of comments on the increases in the license renewal and initial license fees had passed and no comments were received. The fee increases will start January 1, 2007.

Agenda Item 5 Diversion Program Report

Frank Valine, Diversion Program Administrator, provided an overview of the Diversion Committee's meeting held on July 27, 2006. He stated two new staff members were hired, which made staffing at headquarters complete. He stated the Diversion Committee has received authority to hire two new case managers. The positions have been announced and applications are being accepted. Mr. Valine stated during the fourth quarter, intakes were up from 13 to 22 and there were 2752 collections of which 18 were positives indicating approximately 9 relapses. He stated there was also discussion on various residential and outpatient treatment programs, the Diversion Committee's budget, preparations for the fall audit, and the proposed work site hospital monitor guidelines, which were created pursuant to SB 231. He stated the Diversion Committee members directed staff to make minor changes to the proposed guidelines and implement the guidelines before the next board meeting. Mr. Valine reported the Diversion Committee approved the reappointment of Dr. Stephanie Shaner as a DEC member and requested approval by the DMQ. It was M/S (Rice/Moy) to approve the reappointment of Dr. Shaner as a DEC member. Motion carried unanimously.

Agenda Item 6 Vertical Prosecution Update

Renee Threadgill, Interim Chief of Enforcement, stated much of the data to be presented to the DMQ was covered in the Executive Director's report to the full Board on July 27, 2006. She stated pages 21 and 22 of the agenda packet are illustrations of the difference between the investigation process prior to vertical prosecution and the current process. She stated the DAGs and the MBC investigators currently do not have a shared tracking system, however, the Board's Information Systems Branch (ISB) has developed a user-friendly screen which may eventually lead to a direct communication with ProLaw and enable the DAGs to obtain information from the Consumer Affairs System (CAS). Ms. Threadgill stated at the next meeting she will present a plan to the DMQ regarding staff recruitment and retention with the recommendations made at the full Board meeting. She stated the data will describe historical information regarding investigators who have left the Board, a comparison of the Board's retention of investigators with several other similar departments, and information regarding salaries of investigators of other departments.

Discussion ensued regarding the information to be included in Ms. Threadgill's next report to the DMQ and the possible options for recruitment and retention of Board investigators. Ms. Threadgill added the report will include the historical picture of what was done in the past and what is currently being done.

Agenda Item 6B Medical Expert Program – Survey

Ms. Threadgill gave a brief report on the medical expert program. She stated the Board recently received an invitation to prepare a four-hour psychiatric expert reviewer workshop or training seminar during the American Psychiatric Association's annual meeting in May 2007 in San Diego. Ms. Threadgill introduced two of the Board's newest investigators to the DMQ, Dennis Scully from the probation unit and Susan Thadani from the San Jose District Office.

Dr. Aristeiguieta asked Ms. Threadgill to include the total number of surveys mailed to the experts in her next report to the DMQ because conclusions can change dramatically when dealing with small numbers like the number of surveys reviewed for this quarter.

Ms. Threadgill stated at the last board meeting, a licensee attended and raised an issue regarding an accusation filed against her which was subsequently withdrawn. A board member volunteered to review the case. The review was completed and the conclusion was the accusation was properly filed based on the information available at the time and appropriately withdrawn based on the evidence brought forward. Ms. Threadgill stated she spoke with the licensee regarding the results of the review. The licensee extended thanks to the Board for reviewing the matter.

Mr. Ramirez provided an update on vertical prosecution. He reported the AG's office has resolved some of the problems they encountered in the early implementation of vertical prosecution. He stated the most significant problem was the lack of resources. He stated over the last few months, the AG's office has hired four new deputies, two in San Diego and two in Sacramento, to support the work at the Board's Central Complaint Unit (CCU). He stated until the issue with the investigators is resolved, the AG's office will be very careful not to hire too many deputies and try to keep the number of deputies to work product proportioned.

Frank Lucido, M.D., stated he has been in family practice in Berkeley since 1979. He stated he felt remiss in not following vertical prosecution issues more closely. He stated medicine should be regulated by doctors and other patient advocates, not cops, law enforcement, and especially not the DEA with their unyielding denial of the medical benefits of cannabis. He urged the Board not to let control of medicine slip away from the doctors and patient advocates.

Agenda Item 7 Discussion on Practice Monitoring Condition

Lynda Swenson, Area Supervisor of the Probation Unit, provided a brief background on the issues identified with the Board's Practice Monitoring Condition. She stated at the February 2006 Board Meeting, she gave a presentation to the DMQ about the practice monitor program and how it functioned within the probation component of the Board. She stated of the 680 physicians and surgeons on probation, about 298 of them or 44% have a condition of probation which requires them to have a practice monitor. She stated the DMQ expressed concerns about the payment the practice monitor receives from the probationary physician, the relationship between the probationary physician and the practice monitor, and the oversight of the probationary physician by the practice monitor. A survey was prepared and mailed to 126 active practice monitors and the final results of the survey were included in the agenda packet.

Ms. Rice stated the practice monitor probably was doing his/her job really well, but seeing a physician once a month and looking at charts does not ensure patient safety. She stated the Board needs to see what other models are appropriate and acceptable. She recommended further review of the findings and working with those findings to come up with another model in concert with some of the recommendations of PACE.

Ms. Swenson stated the Board is looking at some of the components of the PACE PEP program and determining how to utilize PACE and some of the documents developed by PACE in training courses.

Ms. Rice stated at the last meeting, the Board expressed interest in delegating the practice monitoring aspect of probation to an objective, third party, possibly like the PACE program. She stated she is very interested in having a formalized orientation and formalized document on how to monitor probationers.

Dr. Aristeiguieta further summarized the DMQ members' comments and stated the practice monitoring committee will now need to thoroughly review the data, identify the problems, come up with recommendations for potential solutions, and convert the information into an analytical report to be presented to the DMQ for discussion at the next Board meeting.

Sandra Bressler, California Medical Association, stated the Board needs to consider reviewing the cases of the probationary physicians who have the practice monitoring condition to determine the reasons why they have the condition. She stated it is not feasible for all of the physicians to attend PACE and requiring them to do so will make it impossible for those physicians to practice. Ms. Bressler stated the Board should consider having a feasible program, not PACE, for physicians who do not require intense monitoring.

Joseph V.A. Partansky, MBA, Social Rehabilitation and Regulation Compliance Consultant, stated the Board may want to consider having group support for impaired physicians as another variation for the probation monitor condition. He stated the Board should also consider holding either local or regional peer consultations for practice monitors to find out how they are doing and what is being done before creating the various levels of monitoring since having the practice monitors input would make the guidelines more meaningful.

Agenda Item 8 Agenda Items for November 2006 Division Meeting

- Recruitment and Retention of Staff
- Practice Monitoring Condition

Agenda Item 9 Public Comment

Frank Lucido, M.D., suggested the DMQ include a review of the roles of the Medical Board, AG's office, DEA and U.S. Attorney in the recent raids on the medical cannabis dispensaries in San Diego by the DEA and the San Diego District Attorney's office to its future agenda items. He stated he has also been advised that several of the doctors are being investigated. He stated the Board members should be aware of how the different agencies were involved in the raid and make sure the action taken was appropriate. Dr. Lucido stated he will continue to use whatever support he has within the medical cannabis community to support the most ethical doctors, patients, patient advocates, and care givers.

Tod Mikuriya, M.D., stated he is a medical cannabis consultant in El Cerritos. He is also a probationer with the Board and has successfully completed the first two and a half years of a five-year period. He stated he has a good relationship with a practice monitor who gives him

good feedback. Dr. Mikuriya expressed concerns regarding vertical prosecution and having Board control being turned over to, what he believes to be, a hostile federal government which has nothing but ill-will for California physicians perceived by federal agencies as doing something wrong. He stated the Board needs to take notice of the control that remains with the state.

Joseph V.A. Partansky, MBA, stated he was in support of Dr. Stephanie Shaner's reappointment as a DEC member because of her research for the Center for Enhancement, Education and Rehabilitation Risk Factors and Physical/Psychological Rehabilitation in Post-Mentally Ill Patients. Mr. Partansky stated he wanted the Medical Board to be aware of the existence of the Governor's Interagency Coordinating Counsel for Prevention of Alcohol and Other Drug Problems also known as GPAP. He stated both the Medical Board and the Pharmacy Board should look into providing input to GPAP because the issues of prevention, abuse, and misuse of medications should not be limited to ones that are directly under the executive arm.

Dr. Aristeiguieta pointed out Dr. Breall, Dr. Campisi, Dr. Greenberg, and Ms. Rice may be departing if they are not reappointed. He extended a sincere thanks for their service to each of them on behalf of the DMQ and citizens of the State of California. Dr. Campisi stated it had been an honor and a privilege to serve on the Board.

Agenda Item 10 Adjournment

There being no further business, the meeting was adjourned at 9:30 a.m.

A handwritten signature in cursive script, reading "Cesar A. Aristeiguieta, M.D.", written in dark ink.

Cesar A. Aristeiguieta, M.D.
President

**MEDICAL BOARD OF CALIFORNIA**

1434 Howe Avenue, Suite 92
Sacramento, CA 95825-3236
(916) 263-2389 Fax (916) 263-2387
www.caldocinfo.ca.gov



DIVISION OF LICENSING
QUARTERLY MEETING
Minutes

Embassy Suites
Mendocino Room
150 Anza Blvd.
Burlingame, CA 94040
(650) 241-3800

July 28, 2006

MINUTES

The publicly noticed open session of the Division of Licensing (DOL) was called to order at 8:05 a.m. by Dr. Richard Fantozzi, President. Staff called the roll. A quorum was present.

Members Present:

Richard Fantozzi, M.D., President
Laurie Gregg, M.D., Vice President
Hedy Chang, Secretary
Gary Gitnick, M.D.
James A. Bolton, Ph.D.
Mitchell S. Karlan, M.D.

Members Absent:

Salma Haider

Staff Present:

Candis Cohen, Public Information Officer
Kim Kirchmeyer, Deputy Director
Christine Lujan, Management Services Technician, Licensing Program
Armando Melendez, Business Services Assistant, Business Services Office
Cindi Oseto, Associate Governmental Program Analyst, Licensing Program
Kevin Schunke, Staff Services Manager I, Legislative/Regulatory Unit
Anita Scuri, Department of Consumer Affairs, Staff Counsel
Barry Taylor, Staff Services Manager I, Licensing Program
Dave Thornton, Executive Director
Linda Whitney, Chief of Legislation
Curt Worden, Staff Services Manager I, Licensing Program

Division of Licensing Quarterly Meeting

Members of the Audience:

Faith Gibson, L.M., California College of Midwives
Dennis R. Wenger, M.D., Children's Hospital - San Diego
Andrew Ries, University of California, San Diego
Neil Parker, University of California, Los Angeles
Ann Dohn-Fong, University of Stanford
Amy Day, University of California, San Francisco
Lorenzo Woo, University of California, San Francisco
S. Brown, University of California, San Diego
Karen Ehrlich, Santa Cruz Midwives
Frank Cuny, CCFHF
Sandra Bressler, California Medical Association

The meeting then went into closed session, with open session reconvening at 9:00 a.m.

In order to remain consistent with the record, the agenda items presented in these minutes are listed in the order discussed at the July 28, 2006 meeting

Agenda Item 3 Reports on Actions Taken in Closed Session

Dr. Fantozzi reported the Application Review Committee reviewed one application. The application was approved to continue in the licensing process.

The Division of Licensing met in closed session and reviewed three stipulations for probationary license. One proposed decision after non-adoption. One petition for penalty relief and one proposed decision.

Agenda Item 4 Approval of Minutes from the May 12, 2006 Meeting

It was m/Karlan, s/Bolton, c/All to approve the minutes of the May 12, 2006 meeting.

Agenda Item 5 President's Report

Dr. Fantozzi mentioned the Division of Licensing continues to do well. Dr. Fantozzi also stated that Mr. Thornton completed the preliminary process for the Chief of Licensing.

Agenda Item 6 Legislation and Pending Regulations

Dr. Fantozzi asked Ms. Whitney if she would address the bills specific to licensing.

Ms. Whitney highlighted Assembly Bills as follows:

- **AB 1796 (Bermudez)** is providing clean up language for licensing, which includes adding probation cost recovery and three years time lapse from denial to reapplication for licensure. Ms. Whitney also stated that full documentation must be disclosed if an applicant has had sexual misconduct or sexual harassment findings.

- **AB 2260 (McCloud)** makes amendments to 2111 and 2113 Special Programs and 2168 Faculty Permit Program.
- **AB 1638 (Figueroa)** requires midwives to report birthing outcomes. It also establishes the Advisory Council for midwifery, which will provide a forum of experts that can give recommendations to the Committee. The Committee will continue to set policy and make recommendations to the Division.

Dr. Fantozzi stated numbers and outcomes collected by Office of State Health Planning and Development will be forwarded on to the Division by March 2007.

- **AB 1232 (Runner)** has to do with out of state/out of country applicants. The bill has moved through the legislative process and will be on the floor August 7, 2006.

Agenda Item 7 Regulation Public Hearing

Dr. Fantozzi, President of the Division of Licensing, stated at the May 12, 2006 Division of Licensing regulatory hearing on the cost recovery revenue neutral fees a motion was made to delegate authority to the Executive Director to adopt the ruling with a modified fee after the expiration of a 15-day public comment period if no negative comments were received. No comments having been received, the rule making was considered final.

Agenda Item 8 Discussion on Special Programs

Dr. Fantozzi stated that in the last months staff conducted site visits at two medical schools and expects to complete site visits at the remaining schools within the next 60 -75 days.

Ms. Oseto asked the members to review the request for Section 1327 approvals for Highland General Hospital. Ms. Oseto stated a site visit was conducted at Highland General Hospital in Oakland and reported that Dr. Rose provided a letter to the Division on how he would oversee the process and ensure it is in compliance with Section 1327 criteria.

It was m/Gregg, s/Karlan, c/All to approve the section 1327 program at Highland General Hospital.

Ms. Oseto stated that the Division also received a request for renewal of a Section 1327 program at Metropolitan State Hospital. She indicated that the Metropolitan Hospital offers rotation to those that have a deficiency in psychiatry. Ms. Oseto stated a site visit is needed at this institution, but the Division was unable to conduct the visit before the renewal period passed. Ms. Oseto recommended the Division grant a temporary approval until a site visit be conducted and a report prepared for the November Board Meeting.

It was m/Gitnick, s/Karlan, c/All to issue temporary approval pending a site visit at Metropolitan State Hospital.

Ms. Oseto mentioned that a letter went out to all the 2111 and 2113 program coordinators advising them of possible changes the Division was reviewing regarding the special programs. Ms. Oseto stated she asked special program coordinators to provide comments regarding the special programs at the meeting and several representatives from the medical schools were in attendance.

There was a discussion regarding the following special program issues: limits on the number of participants, Drug Enforcement Agency numbers for 2113 special program participants and billing for services provided by 2113 special program participants, affiliated hospitals participation in special programs, supervision issues regarding special programs, and internal audits. At the end of the discussion it was decided to hold another Special Program meeting to further discuss these issues.

Agenda Item 9 Division Chief's Report

Mr. Thornton announced the Division of Licensing hopes to have the Chief of Licensing in place by September 1, 2006. He reported on staffing and achievements and commended the licensing staff for doing an outstanding job. Mr. Thornton further noted at the beginning of 2006, the Fictitious Name Permit section took on excess of 15 weeks to process these permits. Now it takes approximately three weeks to process.

Ms. Kirchmeyer gave an update on the number of applications and how long it took to review. Ms. Kirchmeyer also clarified calendar days for processing US/Canadian applicants and international applicants.

Agenda Item 10 Public Comment on Items Not on the Agenda


Ms. Gibson stated she had been coming to the Board meetings since 1993 and was present as a consumer, not as a midwife. Ms. Gibson feels there should be a way to do an "incident report" rather than a complaint where a specific medical doctor is doing something unethical or criminal.

Agenda Item 11 Agenda Items for November 2006 Meeting

There was no discussion on agenda items for the November 2006 meeting.

Agenda Item 12 Adjournment

Dr. Fantozzi adjourned the meeting.



Richard D. Fantozzi, M.D., President



Hedy Chang, Secretary